

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

Claims 1 and 31-33 have been amended to clarify that a reticle's current condition is controlled by analysis of patterns produced on an article using the subject reticle, and not necessarily from measurements of the reticle itself.

Claim 1 as amended and its dependent claims, and claims 29-33 as amended are patentable over Bareket, U.S. 6,614,520. At page 8, first paragraph, the office action agrees that Bareket does not disclose a system in which the reference pattern and test pattern are imaged after having used the reticle to pattern the article. Importantly, Bareket also fails to teach or suggest generating data indicative of the current condition of a reticle by analyzing test data obtained from a test pattern produced on the article by the reticle when the reticle is in a current condition and test data obtained from a reference pattern produced on an article when the reticle is in a satisfied condition.

Moreover, Bareket, even in view of Hechtl (U.S. 2004/0066963) does not teach or suggest the invention as presently claimed. Bareket, as noted above, fails to disclose analysis of reference and test patterns produced by the reticle, but instead addresses only comparison of images of a reticle. Hechtl is cited for describing production of both reference and test patterns upon an article using a reticle for the purpose of reticle inspection. Even if true, however, adding this disclosure to that of Bareket does not yield the present invention, because in Hechtl the reference reticle and any inspection item reticle are different items. Accordingly, even the combination of Bareket and Hechtl does not teach or suggest the presently claimed method of analyzing a reference pattern produced on an article by a reticle in a satisfied condition and analyzing a pattern produced on the article by the reticle when the reticle is in a current condition.

Karklin (US Pub. No. 2002/0164064), is cited for describing a multi-layer stack structure, charged particle beam and controlling the condition of a reticle after etching processes. Even if true, however, incorporating such teachings with those of Bareket would not yield the present invention for at least the reasons discussed above. Hence, the claims are patentable over Bareket even in view of Karklin.

If there are any additional fees due in connection with this communication, please charge  
Deposit Account No. 19-3140.

Respectfully submitted,

Dated: January 17, 2007

/Tarek N. Fahmi/

Tarek N. Fahmi

Reg. No. 41,402

Sonnenschein Nath & Rosenthal LLP  
P.O. 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(415) 882-5023